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10/809,873	03/25/2004	Wolfgang Theilmann	13909-161001	7587

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/809,873</td><td>Applicant(s)
THEILMANN ET AL.</td></tr>
<tr><td>Examiner
NAVNEET K. AHLUWALIA</td><td>Art Unit
2166</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 May 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-14 and 16-28* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,3-14 and 16-28* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

05/13/2008 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 3 – 14 and 16 – 28 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 14 – 26 and 28 rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claim 14 claims a computer program product being tangibly embodied in an

information carrier, this falls under non statutory subject matter as it is not within the four

statutory classes. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

6.   Claims 1, 3 – 14 and 16 – 28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Subramanyan et al. ('Subramanyan' herein after) (US 2002/0178181

A1) further in view of Beavers et al. ('Beavers' herein after) (US 2004/0002049).

With respect to claim 1,

         Subramanyan discloses a method, performed by one or more processing

devices, for use in an electronic learning system that stores information as learning

objects, the method comprising: designating a target learning object as a project object

and storing version dependency data in the project object, the version dependency data

identifying versions of other learning objects upon which the project object depends, the

other learning objects including at least a version of a first object upon which the project

object directly depends, and a version of a second object upon which the project object

indirectly depends the project object being an object that is separate from the first object

and second object; wherein the other learning objects including the first and second

objects do not store version dependency data and wherein the other learning objects

store dependency data that identifies an object dependency but that does not identify a

version dependency, the other learning objects relying on version dependency data in

the project object for identification of version dependency (paragraphs 9,12, 16, 19 – 21,

31 and 33, Subramanyan).

Subramanyan does not explicitly disclose the object and version dependency as

claimed.

Beavers, however teaches the object and the version dependency as claimed in

paragraphs 149 and 174.

It would have been obvious to one of ordinary skill in the art of data processing at

the time of the present invention to combine the teachings of cited references because

there are directed towards the same field of invention of electronic learning systems.

Furthermore, the detailed stored information regarding the versions and their

dependency and other metadata would make the flow of the information easily

understood and remove unnecessary duplication (paragraphs 174 - 177, Beavers).

With respect to claim 3,

Subramanyan as modified discloses the method of claim 1, wherein designating

comprises storing data in the project object that indicates that the target learning object

is the project object (paragraphs 33, 46 and 48, Subramanyan).

With respect to claim 4,

Subramanyan as modified discloses the method of claim 1, wherein the target

learning object comprises a portal to additional learning objects in the electronic

learning system (paragraphs 9, 12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 5,

Subramanyan as modified discloses the method of claim 1, wherein the

additional learning objects define a course offered via the electronic learning system

(paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 6,

Subramanyan as modified discloses the method of claim 4, wherein the target

learning object comprises a glossary of a course (paragraphs 9, 12, 16, 19 – 21, 31 and

33, Subramanyan).

With respect to claim 7,

Subramanyan as modified discloses the method of claim 1, wherein the electronic learning system comprises a master repository that stores globally-available learning objects and a local repository that stores locally-available learning objects, and the method further comprises: identifying learning objects upon which the project object depends; moving the project object and learning objects upon which the project object depends between the local repository and the master repository (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 8,

Subramanyan as modified discloses the method of claim 1, wherein the electronic learning system comprises a master repository that stores globally-available learning objects and a local repository that stores locally-available learning objects, and the method further comprises: copying the version of the first object from the master repository to the local repository without copying the project object to the local repository; and resolving dependencies associated with the version of the first object in accordance with a predefined rule (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 9,

Subramanyan as modified discloses the method of claim 8, wherein the version of the first object depends on the second object, and resolving comprises making the version of the first object depend on a most current version of the second object in the

local repository (paragraphs 9, 12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 10,

    Subramanyan as modified discloses the method of claim 1, wherein the

electronic learning system comprises a master repository that stores globally-available

learning objects and a local repository that stores locally-available learning objects, and

the method further comprises: copying the project object, the version of the first object,

and the version of the second object from the master repository to the local repository;

creating a second version of the first object; and updating the version dependency data

in the project object to reference the second version of the first object (paragraphs 9,12,

16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 11,

    Subramanyan as modified discloses the method of claim 1, wherein at least one

of the first and second objects stores information about a dependent object (paragraphs

9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 12,

    Subramanyan as modified discloses the method of claim 11, wherein the

information comprises an identity of the dependent object (paragraphs 9,12, 16, 19 –

21, 31 and 33, Subramanyan).

With respect to claim 13,

Subramanyan as modified discloses the method of claim 1, wherein the

electronic learning system comprises a master repository that stores globally-available

learning objects and a local repository that stores locally-available learning objects, and

the method further comprises: copying the version of the first object from the master

repository to the local repository without copying the project object to the local

repository; and resolving dependencies associated with the version of the first object in

favor of current versions of objects on which the first object depends (paragraphs 9,12,

16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 14,

Subramanyan discloses a computer program product for use in an electronic

learning system that stores information as learning objects, the computer program

product being tangibly embodied in an information carrier, the computer program

product being operable to cause one or more machines to: designate a target learning

object as a project object; store version dependency data in the project object, the

version dependency data identifying versions of other learning objects upon which the

project object depends, the other learning objects including at least a version of a first

object upon which the project object directly depends, and a version of a second object

upon which the project object indirectly depends the project object being an object that

is separate from the first object and second object; wherein the first object stores

dependency data identifying the second object upon which the first object depends, and

wherein the other learning objects including the first and second objects do not store

version dependency data and wherein the other learning objects store dependency data

that identifies an object dependency but that does not identify a version dependency,

the other learning objects relying on version dependency data in the project object for

identification of version dependency (paragraphs 9,12, 16, 19 – 21, 31 and 33,

Subramanyan).

Subramanyan does not explicitly disclose the object and version dependency as

claimed.

Beavers, however teaches the object and the version dependency as claimed in

paragraphs 149 and 174.

It would have been obvious to one of ordinary skill in the art of data processing at

the time of the present invention to combine the teachings of cited references because

there are directed towards the same field of invention of electronic learning systems.

Furthermore, the detailed stored information regarding the versions and their

dependency and other metadata would make the flow of the information easily

understood and remove unnecessary duplication (paragraphs 174 - 177, Beavers).

With respect to claim 16,

Subramanyan as modified discloses the computer program product of claim 14,

wherein designating comprises storing data in the project object that indicates that the

target learning object is the project object (paragraphs 33, 46 and 48, Subramanyan).

With respect to claim 17,

Subramanyan as modified discloses the computer program product of claim 14,

wherein the target learning object comprises a portal to other learning objects in the

electronic learning system (paragraphs 9,12, 16, 19 – 21, 33 and 48, Subramanyan).

With respect to claim 18,

Subramanyan as modified discloses the computer program product of claim 14,

wherein the other learning objects define a course offered via the electronic learning

system (paragraphs 19 – 21, 31, 33, 46 and 48, Subramanyan).

With respect to claim 19,

Subramanyan as modified discloses the computer program product of claim 14,

wherein the target learning object comprises a glossary of a course (paragraphs 9,12,

16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 20,

Subramanyan as modified discloses the computer program product of claim 14,

wherein the electronic learning system comprises a master repository that stores

globally-available learning objects and a local repository that stores locally-available

learning objects, and the computer program product further comprises instructions

operable to cause the one or more machines to: identify learning objects upon which the

project object depends; move the project object and learning objects upon which the

project object depends between the local repository and the master repository

(paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 21,

Subramanyan as modified discloses the computer program product of claim 14,

wherein the electronic learning system comprises a master repository that stores

globally-available learning objects and a local repository that stores locally-available

learning objects, and the computer program product further comprises instructions

operable to cause the one or more machines to: copy the version of the first object from

the master repository to the local repository without copying the project object to the

local repository; and resolve dependencies associated with the version of the first object

in accordance with a predefined rule (paragraphs 9,12, 16, 19 – 21, 31 and 33,

Subramanyan).

With respect to claim 22,

Subramanyan as modified discloses the computer program product of claim 14,

wherein the version of the first object depends on the second object, and resolving

comprises making the version of the first object depend on a most current version of the

second object in the local repository (paragraphs 9,12, 16, 19 – 21, 31 and 33,

Subramanyan).

With respect to claim 23,

Subramanyan as modified discloses the computer program product of claim 14,

wherein the electronic learning system comprises a master repository that stores

globally-available learning objects and a local repository that stores locally-available

learning objects, and the computer program product further comprises instructions

operable to cause the one or more machines to: copy the project object, the version of

the first object, and the version of the second object from the master repository to the

local repository; create a second version of the first object; and update the version

dependency data in the project object to reference the second version of the first object

(paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 24,

Subramanyan as modified discloses the computer program product of claim 14,

wherein at least one of the first and second objects stores information about a

dependent object (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 25,

Subramanyan as modified discloses the computer program product of claim 14,

wherein the information comprises an identity of the dependent object (paragraphs 9,12,

16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 26,

Subramanyan as modified discloses the computer program product of claim 14, wherein the electronic learning system comprises a master repository that stores globally-available learning objects and a local repository that stores locally-available learning objects, and the computer program product further comprises instructions cause the one or more machines to: copy the version of the first object from the master repository to the local repository without copying the project object to the local repository; and resolve dependencies associated with the version of the first object in favor of current versions of objects on which the first object depends (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 27,

Subramanyan as modified discloses the method of claim 1, wherein the version of the first object and the version of the second object store object dependency data but not version dependency data, wherein the object dependency data for the version of the first object identifies one or more first learning objects upon which the version of the first object depends but does not identify versions of the one or more first learning objects, and wherein object dependency data for the version of the second object identifies one or more second learning objects upon which the version of the second object depends but does not identify versions of the one or more second learning objects (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 28,

Subramanyan as modified discloses the computer program product of claim 14, wherein the version of the first object and the version of the second object store object dependency data but not version dependency data, wherein the object dependency data for the version of the first object identifies one or more first learning objects upon which the version of the first object depends but does not identify versions of the one or more first learning objects, and wherein object dependency data for the version of the second object identifies one or more second learning objects upon which the version of the second object depends but does not identify versions of the one or more second learning objects (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Navneet K. Ahluwalia/
Examiner, Art Unit 2166

/Hosain T Alam/
Supervisory Patent Examiner, Art Unit 2166

Dated: 07/15/2008